

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LISA RUSS,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
EDUCATION, KEVIN W. RUSS, an  
individual; and GREAT LAKES HIGHER  
EDUCATION CORPORATION AND  
AFFILIATES,

Defendants.

**8:17CV198**

**FINDINGS AND  
RECOMMENDATION**

Plaintiff commenced this action against the above-named defendants on June 7, 2017. ([Filing No. 1](#)). On August 22, 2017, Plaintiff filed an Amended Complaint against the same above-named defendants. ([Filing No. 26-1](#); [Filing No. 39](#)). Based on the record before the Court, Plaintiff failed to serve defendant Kevin W. Russ, and Kevin W. Russ has not voluntarily appeared. On October 17, 2017, the undersigned magistrate judge issued an order requiring Plaintiff to show cause why this case should not be dismissed as to Kevin W. Russ pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. ([Filing No. 39](#)). The show cause order warned Plaintiff that failure to timely comply with the order may result in dismissal of the action against Kevin W. Russ without further notice. The deadline for responding to the show cause order was October 31, 2017. Plaintiff did not respond. Accordingly,

**IT IS HEREBY RECOMMENDED** to Senior Judge Joseph F. Bataillon that Kevin W. Russ be dismissed as a defendant, without prejudice, for failure of service and want of prosecution.

Dated this 1<sup>st</sup> day of November, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge

### **ADMONITION**

A party may object to a magistrate judge's findings and recommendation by filing an objection within fourteen (14) days after being served with a copy of the findings and recommendation. NECivR 72.2. Failure to timely object may constitute a waiver of any objection.